

85-00438

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

H. WARD McMILLAN, JR.
EXECUTIVE ASSISTANT
TO THE ATTORNEY GENERAL

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
EXECUTIVE ASSISTANT

JUL 15 1985

Honorable Robert P. Reynolds
Hubbard, Waldrop, Reynolds, Davis
& McIlwain
Attorneys for the City of Northport
P. O. Box 2427
Tuscaloosa, AL 35403

Municipalities - Planning
Commissioners - Employees,
Employers, Employment

Fireman is not an administrative
official within the meaning of
Code of Alabama 1975, § 11-52-3.

Dear Mr. Reynolds:

The opinion request of the City of Northport has been received in the Office of the Attorney General. Your request presents the following questions:

"(a) What municipal officials may serve as a member of the Planning and Zoning Board in the category 'one of the administrative officials of the municipality selected by the mayor.'

(b) Whether a fireman employed by the City of Northport in a non-administrative capacity may serve as a member of the Planning Commission as appointed by the Mayor as 'one of the administrative officials of the municipality.'"

As noted in your request, Code of Alabama 1975, § 11-52-3 provides that one member of the Planning Commission is to be "one of the administrative officials of the municipality selected by the mayor." You also note that "the Mayor has selected an individual who is a fireman with the City of

Honorable Robert P. Reynolds

Northport, which said individual does not serve in an administrative capacity for said fire department."

Your questions will be answered together.

Black's Law Dictionary, Fourth Edition, defines "administrative" as follows:

Connotes of or pertains to administration, especially management, as by managing or conducting, directing or superintending, the execution, application or conduct of persons or things.

Black's also defines "administrative officer" as follows:

Politically and as used in constitutional law, an officer of the executive department of government and generally one of inferior rank; legally, a ministerial or executive officer as distinguished from a judicial officer.

Thus, an administrative official is an officer who manages, directs or superintends the working of persons or things. Section 11-52-3 provides specifically that the person serving in this particular slot must be "one of the administrative officials of the municipality." Your request states that the fireman serves in a "non-administrative capacity." The definitions set forth above do not require a different interpretation. Therefore, it is the opinion of this office that a fireman employed by the City of Northport in a non-administrative capacity may not serve as a member of the Planning Commission as "one of the administrative officials of the municipality."

I do hope that this response sufficiently answers your inquiry. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By:



CAROL JEAN SMITH
Assistant Attorney General

CAG/CJS/pd